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Madonna M. Ray

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EXAMINER

TRAN LIEN, THUY

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



The 112 second paragraph rejection is hereby withdrawn.

Claims 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seneau ( 4861601) in view of the books “ Breads”, “Baking with Julia”, “ Professional Baking” and “ How To Bake”.

Seneau discloses a proofed, par-baked ,frozen dough product and a method of making it. The method comprises the steps of preparing a dough, proofing the dough, partially baking the dough and freezing the dough. Column 3 lines 43-45 discloses “ a commercial batch of the product”; thus, the dough is a commercially produced shaped dough and the method includes the step “ commercially preparing a dough”. The partially-baked dough can be fully baked after extended frozen storage. ( see columns 2-3)

Seneau does not disclose shaped dough having lobes, sections, portions, a plasticizing agent layer and the steps to obtain such sealing layer and lobes, sections and portions.

The book “ Breads” teaches to form a variety of intermediate dough products having aesthetic features such as lobes, section, portions or combination thereof. The book teaches various way is which dough is cut, shaped, stamped, slit etc. to create various configuration and design such as lobe, crown etc... The book also teaches brushing the dough before baking with glaze such as melted butter glazes to soften the crusts. The book also teaches to brush the dough with butter for a velvety finish. As shown on page 28, the brush is used to brush the tops with melted butter over the exposed surface of the roll. The dough is baked at 450 degree F.

Art Unit: 1789

The book " Baking with Julia" teaches to make different artisan breads by different cutting or indentation. For example, in making a pain fendu, the dough is indented and the indentation extends a substantially thickness of the dough to create two different sections. In making an epi, the dough is cut through a substantially part of the dough to create a wheat stalk appearance.

The " Professional Baking" book teaches the major functions of fats in baked items are to tenderize the product and soften the texture, to add moistness and richness, to increase keeping quality, to add flavor. The book also teaches that oil is used as a wash for some kinds of rolls. On pages 78-79, the book also teaches different cuts to the dough to create different looks to the end dough products.

The book " How to Bake" teaches to make different types of bread products. The book teaches to let the dough rise in a bowl after oiling all surfaces of the dough. The dough is then shaped. ( pages 41-42,44,46,51.

The books shows that dough can be cut, indented, stamped etc. in many different ways to create different looks to the product. Some cuts can be a short, shallow slashes; other can go deeper. It would have been obvious to one skilled in the art at the time of the invention to cut, indent, stamp the Seneau dough as taught by the books to make different attractive dough baked products, It would also have been obvious to one skilled in the art at the time of the invention to oil the dough surface as taught by the book " How to Bake" or to brush the dough surface with butter as taught in the "Breads" and " Professional Baking" book to obtain the well known benefits of fats as taught in the books. The application of oil or fat softens the crusts, gives velvety

Art Unit: 1789

finish. Fat is also taught to tenderize the product, soften the texture, add moistness and richness, increase keeping quality and add flavor. The “How to Bake” book teaches to oil the dough surfaces during rising and then shape the dough. The properties of reducing dehydration, improving organoleptic and aesthetic properties and fluidizing the dough are inherent in the Seneau dough in combination with the teachings of the cookbook. When the surface is coated with butter or oil, it is inherent a sealing layer is formed.

In the response filed 9/9/10, applicant argues the combination of the references “Baking with Julia, Breads, Professional Baking and How to Bake” with the teachings of Seneau would lead to an inoperable result because the steam injections would be ineffective due to the sealing layer forming a protective barrier between the dough and the steam. This argument is not persuasive because it is a conclusion without any factual evidence. It is not clear what applicant means by steam being ineffective; in what way is the steam effective. As to the properties resulting from the application of the fat layer, it is obviously inherent that the same properties are obtained when the same ingredient is used in absence of evidence showing otherwise.

Applicant's arguments filed 9/9/10 have been fully considered but they are not persuasive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 1789

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1789

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 18, 2010

/Lien T Tran/

Primary Examiner, Art Unit 1789